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TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

MAHMOOD, REZWANUL

ART UNIT PAPER NUMBER

2164

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,998	<b>Applicant(s)</b> YAGAWA, YUICHI	
	<b>Examiner</b> Rezwanul Mahmood	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07/31/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This communication is in response to the amendment filed on July 31, 2006.

#### ***Response to Amendment***

2. Claims 1-28 were pending in the previous office action.
3. Claims 27, and 28 have been cancelled.
4. Claims 1-26 are now pending in the office action.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter (US Publication 2003/0229637) in view of Gajjar (US Publication 2002/0174306).

8. With respect to claim 1, Baxter discloses a method for distributing data among a plurality of data storage systems comprising:

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obtaining and storing selection criteria (Baxter: Paragraph 7, lines 1-15);

However, does not disclose expressly:

producing profile information for a first data object that is stored in a first data storage system, said profile information comprising content-based information associated with said first data object;

The Gajjar reference, however, discloses producing profile information for a data file that is stored in a storage system, said profile information comprising content-based information associated with said data file (Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art, to have produced profile information for a data file that is stored in a storage system.

The suggestion or motivation for doing so would be to have an apparatus or method for provisioning and managing storage using storage provisioning policies (Gajjar: Paragraph 6, lines 1-3).

Therefore, it would have been obvious to have added Baxter with Gajjar for the benefit of efficiently process files in storage systems.

communication said profile information to at least one second data storage system (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 8, lines 1-15); and

selectively copying said first data object to said one second data storage system based on said selection criteria and on said profile information (Baxter: Paragraph 7, lines 1-15),

wherein said first data object is copied to said second data storage system

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depending on content-based information associated with said first data object (Baxter: Paragraph 7, lines 1-15).

9. With respect to claim 2, Baxter in view of Gajjar discloses the method of claim 1, however, does not disclose expressly wherein said first data storage system comprises a server component in communication with a data storage component (Gajjar: Figure 1).

10. With respect to claim 3, Baxter in view of Gajjar discloses the method of claim 2 wherein said second data storage system comprises a server component in communication with a data storage component (Baxter: Figure 1; Gajjar: Figure 1).

11. With respect to claim 4, Baxter in view of Gajjar discloses the method of claim 1 wherein said selection criteria are stored in said second data storage system, said method further comprising:

producing a selection indication based on said selection criteria and on said profile information (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10); and

selectively communicating said first data object to said second data storage system based on said selection indication (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 8, lines 1-15).

12. Claims 5-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter (US Publication 2003/0229637) in view of Gajjar (US Publication 2002/0174306)

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as applied to claim 1 above, and further in view of Wisner (US Publication 2002/0163910).

13. With respect to claim 5, Baxter in view of Gajjar discloses the method of claim 1, however, does not disclose further comprising:

receiving at said first data storage system a selection indication from each of said second data storage systems, wherein said selection indication is an interest metric;

The Wisner reference, however, discloses receiving at said first data storage system a selection indication from each of said second data storage systems (Wisner: Paragraph 57, lines 1-14; Figure 1).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art, to have received at said first data storage system a selection indication from each of said second data storage systems, wherein said selection indication is an interest metric.

The suggestion or motivation for doing so would be to provide a more efficient system and method for ensuring the reliability and integrity of data and network resources (Wisner: Paragraph 7, lines 1-3).

Therefore, it would have been obvious to combine Wisner with Baxter and Gajjar for the benefit of an efficient system for ensuring data integrity.

The remainder of claim 5 and the remaining claims follows the same suggestion or motivation as disclosed above.

producing an ordered set of said second data storage systems, ordered

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according to said interest metric (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10); and

communicating said first data object to the first N of said second data storage systems (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

14. With respect to claim 6, Baxter in view of Gajjar and in further view of Wisner discloses the method of claim 1 further comprising:

receiving at said first data storage system a selection indication from each of said second data storage systems, wherein said selection indication is an interest metric (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1);

communicating said first data object to a second data storage system if its interest metric exceeds a predetermined threshold (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

15. With respect to claim 7, Baxter in view of Gajjar and in further view of Wisner discloses the method of claim 1, said method further comprising receiving at said first data storage system a selection indication from each of said second data storage systems, wherein said selection indication indicates whether or not to communicate said first data object to said second data storage system (Baxter: Paragraph 7, lines 1-15;

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Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

16. With respect to claim 8, Baxter in view of Gajjar and in further view of Wisner discloses the method of claim 1 wherein if said first data object is not copied to any other data storage system, then determining a replication site from among said other data storage systems independently of content of said first data object and copying said first data object to said replication site (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

17. With respect to claim 9, Baxter in view of Gajjar and in further view of Wisner discloses the method of claim 1 wherein said selection criteria are stored in said first data storage system, said method further comprising communicating said first data object to said second data storage system based on said profile information and on said selection criteria (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

18. With respect to claim 10, Baxter in view of Gajjar and in further view of Wisner discloses the method of claim 9 further comprising additional selection criteria for an additional second data storage system, said method further comprising communicating said first data object to said additional second data storage system based on said profile



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information and said additional selection criteria (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

19. With respect to claim 11, Baxter in view of Gajjar and in further view of Wisner discloses the method of claim 1 wherein said selection criteria are stored in a selection server system separate from said first data storage system and from said second data storage system, said method further comprising:

communicating said profile information to said selection server system (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1);

producing in said selection server system a selection indication (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1); and

communication said selection indication to said first data storage system (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1),

wherein said first data object is selectively communicated to said second data storage system depending on said selection indication (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

20. With respect to claim 12, Baxter in view of Gajjar and in further view of Wisner discloses a distributed data storage system comprising a plurality of data servers, each

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data server comprising:

a client interface component configured for communication with one or more clients to exchange data (Gajjar: Figure 1; Wisner: Figure 1);

a data storage interface component configured for data communication with data storage component (Gajjar: Figure 1; Wisner: Figure 1); and

a data processing component configured to:

produce profile information associated with a first data object that is stored in said data storage component, said profile information comprising content-based information associated with content of said first data object (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1);

communicating said profile information to a plurality of candidate data servers (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1);

initiate a comparison of selection criteria with said profile information, said selection criteria comprising criteria associated with at least a second data server, said selection criteria used to determine whether said first data object is copied to said at least a second data server (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1); and

copy said first data object to said at least a second data server depending

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on an outcome of said comparison (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

21. With respect to claim 13, Baxter in view of Gajjar and in further view of Wisner discloses the data storage system of claim 12 wherein said data processing component is further configured to:

receive a selection indication from each of said candidate data servers (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1); and

copy said first data object to one or more of said candidate data servers based on selection indications received from said candidate data servers (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1),

wherein a selection indication is produced by a candidate data server and is based on selection criteria stored in said candidate data server and on said profile information (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

22. With respect to claim 14, Baxter in view of Gajjar and in further view of Wisner discloses the data storage system of claim 12 wherein said selection indication is a metric that is based on selection criteria and on said profile information (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

23. With respect to claim 15, Baxter in view of Gajjar and in further view of Wisner discloses the data storage system of claim 12 wherein said selection indication is a binary indicator that indicates whether or not to copy said first data object to said second data server (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

24. With respect to claim 16, Baxter in view of Gajjar and in further view of Wisner discloses the data storage system of claim 15 wherein said data processing component is further configured to:

receive selection criteria from other data servers (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1); and

based on said selection criteria and said profile information, selectively copy said first data object to one or more of said other data servers (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1),

wherein said other data servers are selected based on selection criteria associated therewith and on said profile information (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

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25. With respect to claim 17, Baxter in view of Gajjar and in further view of Wisner discloses the data storage system of claim 15 wherein said data processing component is further configured to:

communicate said profile information to a selection server system that is separate from said data servers (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1);

receive selection information from said selection server system (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1); and

based on said selection information, copy said first data object to one or more other data servers (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

26. With respect to claim 18, Baxter in view of Gajjar and in further view of Wisner discloses a method for distributing data among a plurality of data storage systems comprising:

obtaining and storing selection criteria in a first data storage system (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1);

producing profile information for a first data object that is stored in said first data storage system, said profile information comprising content-based information

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associated with said first data object (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1);

communication said profile information to at least one second data storage system (Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15); and

selectively copying said first data object to at least one second data storage system based on said selection criteria and on said profile information (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1),

wherein said first data object is copied to said second data storage system depending on content-based information associated with said first data object (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

27. With respect to claim 19, Baxter in view of Gajjar and in further view of Wisner discloses the method of claim 18 further comprising receiving, at said first data storage system, said selection criteria from one or more data storage systems other than said first data storage system (Baxter: Paragraph 7, lines 1-15; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

28. With respect to claim 20, Baxter in view of Gajjar and in further view of Wisner

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discloses a data system comprising:

- a plurality of data centers (Gajjar: Figure 1; Wisner: Figure 1); and

- a plurality of client systems in data communication with said data centers,

- each data center comprising (Gajjar: Figure 1; Wisner: Figure 1):

  - a data storage component (Gajjar: Figure 1; Wisner: Figure 1);

  - a file server component operable to exchange data between a client system and said data storage component (Gajjar: Figure 1; Wisner: Figure 1);

  - a replicator component (Baxter: Figure 1);

  - a receiver component (Baxter: Figure 1); and

  - file selection criteria (Baxter: Figure 1),

  - wherein said replicator component is operable to produce profile data for a data object that is to be replicated among one or more candidate target data centers, to communicate said profile data to at least one of said candidate target data centers, to receive a selection indication from each of said candidate target data centers, and to selectively communicate said data object to a candidate target data center based on its selection indication, said profile data representative of content of said data object (Baxter: Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1),

  - wherein said receiver component is operable to receive profile data information from a source data center, said receiver component further operable to communicate a selection indication to said source data center, said selection indication being determined based on said file selection criteria and on said profile data (Baxter:

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Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

29. With respect to claim 21, Baxter in view of Gajjar and in further view of Wisner discloses the system of claim 20 wherein said selection indication is an interest metric that is determined based on said file selection criteria and on said profile data, wherein said replicator component is further operable to communicate said data object to a candidate data center based on its interest metric, wherein said candidate target data centers are ordered to produce an ordered set based on their corresponding interest metrics and said replicator component is further operable to communicate said data object to the first N target data centers selected from said ordered set (Baxter:

Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

30. With respect to claim 22, Baxter in view of Gajjar and in further view of Wisner discloses the system of claim 20 wherein said selection indication is an interest metric that is determined based on said file selection criteria and on said profile data, wherein said replicator component is further operable to communicate said data object to a candidate data center based on its interest metric, wherein said replicator component communicates said data object to a candidate target center if its interest metric exceeds a predetermined threshold (Baxter: Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).



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31. With respect to claim 23, Baxter in view of Gajjar and in further view of Wisner discloses the system of claim 20 wherein said selection indication is an indication of whether or not to communicate said data object to said candidate target data center (Baxter: Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

32. With respect to claim 24, Baxter in view of Gajjar and in further view of Wisner discloses a data system comprising:

- a plurality of data centers (Gajjar: Figure 1; Wisner: Figure 1); and

- a plurality of client systems in data communication with said data centers (Gajjar: Figure 1; Wisner: Figure 1),

- each data center comprising:

- a data storage component (Gajjar: Figure 1; Wisner: Figure 1);

- a file server component operable to exchange data between a client system and said data storage component (Gajjar: Figure 1; Wisner: Figure 1);

- a replicator component (Baxter: Figure 1); and

- a collection of selection criteria comprising selection criteria provided from other data centers (Baxter: Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1),

- wherein said replicator component is operable to produce profile data for a

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data object that is to be replicated among one or more candidate target data centers, to communicate said profile data to at least one of said candidate data centers, and to selectively communicate said data object to said candidate target data centers based on said profile data and selection criteria corresponding to each of said candidate target data centers, said profile data representative of content of said data object (Baxter: Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

33. With respect to claim 25, Baxter in view of Gajjar and in further view of Wisner discloses the system of claim 24 wherein said replicator module is operable to produce based on said collection selection criteria and on said profile data a plurality of interest metrics, each interest metric corresponding a data center, wherein said candidate target data centers are ordered to produce an ordered set based on their corresponding interest metrics, wherein said replicator component is further operable to communicate said data object to the first N target data centers selected from said ordered set (Baxter: Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

34. With respect to claim 26, Baxter in view of Gajjar and in further view of Wisner discloses the system of claim 24 wherein said replicator module is operable to produce based on said collection selection criteria and on said profile data a plurality of interest metrics, each interest metric corresponding a data center, wherein said replicator component communicates said data object to a candidate target center if its interest

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metric exceeds a predetermined threshold (Baxter: Paragraph 7, lines 1-15; Figure 1; Gajjar: Paragraph 6, lines 1-5; Paragraph 7, lines 1-10; Paragraph 8, lines 1-15; Wisner: Paragraph 57, lines 1-14; Figure 1).

### ***Conclusion***

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Shoup reference (US Publication 2002/0147734) teaches about storage policy. The Gupta reference (US Publication 2005/0102273) teaches about interest metrics.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rezwanul Mahmood whose telephone number is (571)272-5625. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Rezwanul Mahmood  
Ph # 571-272-5625

  
**SAM RIMELL**  
**PRIMARY EXAMINER**